

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

17958 U.S. PRO  
10/641709  
08/15/03

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Mark T. Finneran, Kathryn E. Alexander, B. Russell Alexander, Charles E. Wickham Jr.,  
Richard L. Hitchcock, Scott D. Howard

For (title): EMG Electrode Apparatus And Positioning System

**1. Type of Application**

This transmittal is for a divisional application.

**2. Benefit of Prior U.S. Applications (35 U.S.C. Sections 119(e), 120, or 121)**

The new application being transmitted claims the benefit of prior U.S. applications. Enclosed are

---

**CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10\***  
(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

[X] deposited with the United States Postal Service in an envelope addressed to the Mail Stop Patent Application,  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**37 C.F.R. Section 1.8(a)**

[ ] with sufficient postage as first class mail.

**37 C.F.R. Section 1.10\***

[X] as "Express Mail Post Office to Address"  
Mailing Label No. EV319737232US  
(mandatory)

**TRANSMISSION**

[ ] transmitted by facsimile to the Patent and Trademark Office (703)

Date: 8-15-2003

  
Signature

Christopher L. Parmelee  
(type or print name of person certifying)

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. Section 1.10(b).  
"Since the filing of correspondence under [Section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(New Application Transmittal--page 1 of 5)

ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATIONS CLAIMED.

**3. Papers Enclosed**

**A.** Required for filing date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design) Application

43 Pages of Specification  
15 Pages of Claims  
35 Sheets of Drawing(s)

**B.** Other Papers Enclosed

4 Pages of copy of declaration and power of attorney  
1 Page of abstract  
8 Pages of Application Data Sheet  
3 Pages of Information Disclosure Statement with Form PTO/SB/08A

**4. Additional Papers Enclosed**

Amendment to claims: Cancel in this application claims 1-45 and 55-75 before calculating the filing fee.

7 Pages of Preliminary Amendment

**5. Declaration or Oath**

Copy Enclosed

Executed by:  
\* inventors.

**6. Language**

English

**7. Assignment**

An assignment of the invention to will follow

**8. Fee Calculation (37 C.F.R. Section 1.16)**

Regular Application

Amendment to claims: Cancel in this application claims 1-45 and 55-75 before calculating the filing fee.

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$750.00
Total Claims (37 CFR 1.16(c))	9	- 20 =	0 x	\$18.00	\$0.00
Independent Claims (37 CFR 1.16(b))	1	- 3 =	0 x	\$84.00	\$0.00
Multiple Dependent Claim(s), if any (37 CFR 1.16(d))			+	\$280.00	\$0.00
Filing Fee Calculation					\$750.00

**9. Small Entity Statement**

This is a filing by a small entity under 37. C.F.R. § 1.9 and 1.27

Filing Fee Calculation

\$375.00

**10. Fee Payment Being Made at This Time**

Enclosed  
Filing Fee

\$375.00

**Total Fees Enclosed**

**\$375.00**

**11. Method of Payment of Fees**

Charge Account No. 10-0637 (Walker & Jocke) in the amount of \$375.00.  
A duplicate of this transmittal is attached.

**12. Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 10-0637 (Walker & Jocke).

37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

37 C.F.R. Section 1.16(b), (c) or (d) (presentation of extra claims)

37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to SECTION 1.136(a))

37 C.F.R. Section 1.17 (application processing fees)

**13. Instructions as to Overpayment**

Credit Account No. 10-0637 (Walker & Jocke).

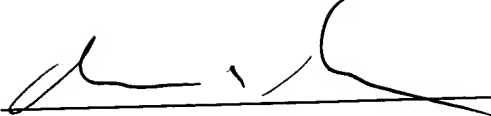
**ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF  
PRIOR U.S. APPLICATIONS CLAIMED**

**14. Relate Back—35 U.S.C. § 120, 121 and 365(c)**

This application is a divisional of copending Application Serial Number 09/806,632 filed on April 2, 2001 which is a national phase application of PCT/US99/23033 filed October 4, 1999 which claims the benefit of U.S. Provisional Application Serial Number 60/103,105 Filed October 5, 1998.

**15. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed**

- a. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventors in this application are the same.



---

Christopher L. Parmelee  
Registration No. 42,980  
Walker & Jocke  
231 South Broadway  
Medina, OH 44256  
US  
330-721-0000  
Customer No. 07733